

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Recommendations of the Independent Panel)	EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina on)	
Communications Networks)	
)	
)	

TO: Office of the Secretary
ATTN: The Commission

**COMMENTS OF THE ALABAMA BROADCASTERS ASSOCIATION,
FLORIDA ASSOCIATION OF BROADCASTERS,
LOUISIANA ASSOCIATION OF BROADCASTERS AND MISSISSIPPI
ASSOCIATION OF BROADCASTERS**

The Alabama Broadcasters Association, the Florida Association of Broadcasters, the Louisiana Association of Broadcasters and the Mississippi Association of Broadcasters (collectively “Gulf States Broadcasters”) respectfully submit comments in response to the Notice of Proposed Rulemaking (the “NPRM”) of the Federal Communications Commission (“FCC” or the “Commission”), released June 19, 2006, in the above-captioned proceeding. The NPRM responds to the report (the “Report”) of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks.¹

Introduction

Those who felt the fury visited by Hurricane Katrina know only too well the importance of a robust communications infrastructure before, during and after a natural disaster. The Gulf region’s broadcasters struggled mightily to keep vital information

¹ A copy of the Report was attached to the NPRM at Appendix B.

flowing – information necessary to preserve life and property in the most difficult of situations.

As the Report noted: “[a]pproximately 28 percent of television stations experienced downtime in the storm zone; approximately 35 percent of radio stations failed in one fashion or another.” *Report* at 11.² But, the dedicated staff at the remaining stations, as well as those who struggled to return silenced stations to the air, put forth their best efforts to keep their communities informed – continuing to demonstrate broadcasters’ traditional commitment to serving their local communities and the public interest.

Nonetheless, the Report found that broadcasters were often needlessly hindered, despite the importance of their work to public safety and welfare. Gulf States Broadcasters state emphatically that this assessment is on target – and applaud the FCC’s rule making effort to prevent repetition of the same problems in future disasters.

Gulf States Broadcasters agree that broadcasting’s role in emergency communications was often an afterthought in disaster and recovery planning – or given no thought at all.³ Creation of the necessary preconditions for broadcast communications was simply left out of the equation. This is seen in the following findings from the Report:

² Citing FCC Chairman Kevin J. Martin, testimony before the Senate Comm. on Commerce, Science, and Transportation, at 2 (Sept. 22, 2005). The Chairman reported an estimated 100 broadcast stations had been knocked off the air.

³ See *Report*, Executive Summary at ii.

- Broadcasters, lacking “emergency responder” status, were often denied access to their facilities, as well as given little or no priority for sustenance, fuel or utility restoration needed to ensure continued operations;⁴
- The Emergency Alert System (“EAS”) was too often ignored by officials, hindering dissemination of such vital emergency information as evacuation instructions and post-storm guidelines;
- Media representatives were often excluded from disaster planning to the detriment of public information efforts.

Gulf States Broadcasters and their communities know first hand the danger should the lessons of Katrina be ignored and these proposals go unheeded. They implore the Commission to respond appropriately to the Report’s findings, as outlined below – lest history repeat itself.

Discussion

The Report noted that broadcasters are not designated “first responders,” even though radio and television broadcasts, often received on portable devices, remain the single most important source of emergency information for the general public.⁵ The Report is correct when it calls for broadening membership in the National Coordination

⁴ For instance, shipments of fuel destined for emergency generators powering stations in Gulfport and Hattiesburg were requisitioned by police for other uses, in the aftermath of Hurricane Katrina, because broadcasters were not considered first responders. *See*, Letter to FCC Chairman Kevin Martin from Jackie Lett, Executive Director of the Mississippi Association of Broadcasters (Oct. 27, 2005) (attached hereto as Exhibit A). *See also*, the testimony of Dave Vincent, Station Manager of WLOX-TV, Biloxi, MS, before the FCC Regional Hearing, March 7, 2006, Jackson, MS (attached hereto as Exhibit B).

⁵ *Report* at 28.

Center for Telecommunications (“NCC”) to include all communications infrastructure sectors.⁶

While such representation would symbolize the important role broadcasters play in disaster-related communications, it must be accompanied, as well, by practical, systemic reforms to better include broadcasters in emergency planning and disaster relief efforts at all stages.

The first, and single most important, reform should be to designate broadcasters as “emergency responders.” Gulf States Broadcasters agree that the Commission should take administrative action where appropriate and recommend that Congress provide legislative relief, where appropriate, to effectuate this status. *Report* at 35. (See footnote 4 above). Broadcasters are a crucial part of the nation’s communications infrastructure – all the more so in times of disaster.

As designated emergency responders, broadcasters would gain surer access to their studio and transmission facilities at those times when the general public is excluded from disaster-struck areas. Such designation would: (1) provide broadcasters with priority access to sustenance, fuel and utility repairs so they can continue to provide vital information; (2) allow repair crews to work on damaged broadcast facilities that might otherwise remain out of service; (3) grant access to closed areas by post-storm shifts of employees to relieve their exhausted colleagues; (4) allow broadcasters to dispatch private security teams to protect facilities; and (5) permit broadcast news gathering personnel to circulate in disaster areas to gather and disseminate crucial information.

⁶ *Report*, 19-22 and Executive Summary at IV.

To effectuate such access and still maintain security in vulnerable disaster-struck areas, the Report suggests establishing a credentialing system. *Id.* at 34-35.

Credentialing is already common for news personnel. Many police departments and government agencies issue media credentials either for special events or to provide ongoing access to qualified individuals in restricted venues. Similar methods can be used to verify the identity of personnel crucial to maintaining broadcast communications in times of disaster. Through advance planning, credentialing for many such individuals could be performed well before disaster strikes as a part of ongoing emergency management programs and made part of each state's emergency preparedness plan.

The Report also found need to increase coordination between communications infrastructure providers, including broadcasters and government emergency management agencies. These efforts, the Report found, should include regular, ongoing meetings, both pre-and post-disaster, to develop plans and participation by broadcasters and other infrastructure providers in preparedness exercises. *Id.* at 35. Gulf States Broadcasters endorse these ideas, as they will help ensure that broadcasting's integral role in disaster communications is not ignored until too late in the process, to the detriment of the public's need for timely information.

Broadcast stations are now not typically included among the essential service providers entitled to priority repair of disaster-damaged utility services. This is true despite the public's reliance on broadcast media for timely emergency information. The Report calls for a change – so that such communications infrastructure providers as broadcast stations receive utility repair priority in order to maintain the flow of crucial disaster-related information. *Id.* at 36.

Even those broadcasters with emergency generators were stymied. The Report noted that “many facilities could have been up and operating more quickly . . .” had they been given better access to fuel, including “government stockpiles.” *Id.* at 17-18.

Obviously, broadcasters can stay on the air better with a reliable source of transmission power. Likewise, they can gather and receive information better with functioning telephone, data and cable lines. The sooner a station is reconnected to such grids and networks, the better it can perform its emergency response functions. Gulf States Broadcasters agree that government policies and post-disaster priorities should reflect this reality.

As emergency responders, broadcasters should also be granted access, in disaster response situations, to the federally-run Government Emergency Telecommunications Service (“GETS”) and Wireless Priority Service (“WPS”). Access to these programs, which ensure priority access to disaster-compromised wired and wireless phone service, will assist broadcasters in gathering and disseminating information when the public switched telephone network suffers disaster-related damage. Gulf States Broadcasters agree with the Report’s call for an FCC review to determine if such access is currently allowed and provide it by administrative action, or, if not, Gulf States Broadcasters join in the Report’s call for revised FCC rules to allow broadcasters to subscribe to GETS and WPS. *Id.* at 36.

The Report also concludes that emergency management officials can improve public communications during disasters by better utilizing existing resources and improved coordination of information distribution efforts. *Id.*, *Executive Summary* at v. Gulf States Broadcasters agree that the Emergency Alert System (“EAS”) was

underutilized during Hurricane Katrina. *Id.* at 41. There is a clear failure on the part of the Federal Government to educate various agencies and the American people as to the benefits of EAS. Whether it is a bureaucratic turf war or simply a misunderstanding of the value of EAS, there needs to be a unified push to utilize this tremendously valuable system.⁷ While the weather service has long used EAS to provide storm-related warnings, Federal and State officials did not make much use of the system to deliver such other crucial data as evacuation, shelter or sustenance distribution information. Broadcasters agree that EAS should be better utilized, thus ensuring that these messages are delivered to the greatest possible number of people.⁸

Moreover, important messages were often released in a scatter-shot fashion by different agencies. The Report found a significant need for formation of Joint Information Centers (“JIC”) to bring local, regional, state, tribal and federal disaster communications efforts into coordination. Gulf States Broadcasters agree that by establishing JICs, emergency management officials will streamline and improve the flow of information. As the use of JICs will make it easier for broadcasters to obtain crucial disaster information; broadcasters will then be able to disseminate the information with greater dispatch and efficiency.

However, Gulf States Broadcasters are concerned that unfunded mandates may be imposed that will make it more difficult for stations to operate in times of disaster. While crucial information is best distributed in whatever way members of the community can

⁷ See the attached testimony of C. Patrick Roberts, President of the Florida Association of Broadcasters, before the FCC Hurricane Katrina Independent Panel on March 7, 2006 (shown as Exhibit C hereto).

⁸ To ensure proper use of EAS, any enhanced utilization should be implemented only in strict compliance with the Commission’s EAS rules, including those provisions providing for state and local area plans.

access it, it would pose an undue hardship on stations already struggling to stay on the air during disasters if they were forced to broadcast messages in a particular language or format. The Report's call for efforts to better alert and inform both minority language speakers and those with communications disabilities certainly represents a worthwhile goal. *Id.* at 41. Any mandatory broadcast of messages in any particular language or format, however, could create grave compliance difficulties, as detailed in the Commission's rule making proceeding on this very issue. *Review of Emergency Alert System*, EB Docket 04-296.⁹

Government should produce and provide as much information as possible in alternative languages or formats. Broadcasters, as integral members of the community will certainly do what they can to disseminate this information. But airing of such material should not be mandatory. Broadcasters struggling to stay on the air should not face sanctions when, despite heroic efforts, they are unable to meet every worthy public goal.

Conclusion

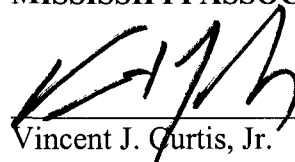
The lessons of Katrina should lead to action to improve emergency communications. Gulf States Broadcasters agree that structural reforms are required so emergency management priorities, rules and policies reflect the crucial role of broadcasters – including their designation as emergency responders, access to sites,

⁹ Should such rules subject licensees to potential sanctions if they do not meet linguistic or format requirements, broadcasters will be faced with an untenable choice: withholding information when unable for technical or economic reasons to meet the requirements, or continuing to provide the public with crucial information and, thereby, subjecting themselves to punitive action for FCC rule violations. Such a Sophie's choice is clearly not in the public interest. *See Comments of National Association of Broadcasters*, EB Docket No. 04-296, at 7-16 (filed Jan. 24, 2006).

power, fuel and utilities, and the inclusion of broadcasters as vital partners in emergency planning and response efforts. The public relies on broadcasting, and emergency management systems should reflect and embrace that reliance.

Respectfully submitted,

**ALABAMA BROADCASTERS ASSOCIATION
FLORIDA ASSOCIATION OF BROADCASTERS
LOUISIANA ASSOCIATION OF BROADCASTERS
MISSISSIPPI ASSOCIATION OF BROADCASTERS**

A handwritten signature in black ink, appearing to read "VJC", is written over a horizontal line.

Vincent J. Curtis, Jr.
Frank R. Jazzo
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Their Counsel

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August 7, 2006

EB Docket No. 06-119
FCC 06-83

EXHIBIT A

MISSISSIPPI ASSOCIATION OF BROADCASTERS



855 S. PEAR ORCHARD ROAD ☐ SUITE 403 ☐ RIDGELAND, MS 39157 ☐ (601) 957-9121 ☐ FAX (601) 957-9175

October 27, 2005

The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street
Washington, D.C. 20554

Dear Chairman Martin:

I'm writing to ask for your help and guidance on where to go and who to contact for broadcasters to be designated as First Responders during an emergency such as Hurricane Katrina.

Hopefully there will never be another storm like Katrina or a situation where there is so much destruction. If you will remember, several years ago, you attended the MAB Annual Convention in Gulfport, Mississippi. The hotel where we stayed and the restaurant where the Board of Directors dinner was held is now just a slab of concrete.

In a normal hurricane, our stations could possibly be without power for 24 to 48 hours and a generator would be OK and the station would have enough fuel. In this case, the devastation was so far reaching, from the Mississippi Coast (80 miles wide) all the way up through our state to Jackson which is 150 miles from the Coast. In Jackson we had Cat 2 winds and many were without power from 4 days to 2-3 weeks.

On the Tuesday after the storm, I obtained a 3000 gal truck of diesel for a TV station in Gulfport...got the secret password for it to pass through the roadblocks and sent it on its way. When they had off loaded 1000 gallons, the police came and took the truck saying they needed the fuel elsewhere. This also happened to a TV station in Hattiesburg, but they took the truck before it got to the station.

We were reduced to bootlegging 55 gallon drums of gas out of Texas in the back of pick-up trucks.

It was not the State that put a clamp on fuel, it was FEMA. In talking with a FEMA rep immediately after the storm, I was told that broadcasters were #7 on the list of responders, therefore no fuel for us.

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Mississippi Association of Broadcasters

Broadcasters need to be designated as First Responders so that any time there is a local, state or national emergency declared that broadcasters be classified as such and could obtain the fuel needed to get emergency messages out. We should also have all rights to be out on roads covering stories as any other first responders. If it were not for broadcasters, the public would not be informed of anything happening before, during, or after a storm. Also, I think we should be allowed to obtain radios that the civil defense and other public officials use so we could communicate with them during a storm. Often times, we in the media are overlooked until a major disaster happens and then everyone wants us to get emergency messages out to the public.

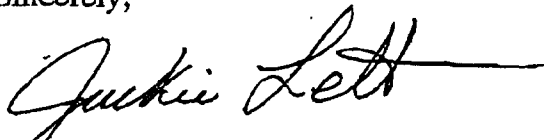
I'm finding that in Mississippi many towns and whole counties were without disaster information from 48 hours to 4 days, due to stations not having generators or most of all, lack of fuel. People were trapped in their homes with no power, tree's blocking roads and no information as to when and how they were going to be OK.

I'm enclosing a letter I received from one of my small market stations in Picayune, Mississippi which gives just a snapshot of what broadcasters do in an emergency.

This is a serious situation and one that should be taken very seriously. Please help me help my broadcasters. We need for you to point us in the right direction and help us through the maze of red tape involved.

Thank you for your time and consideration. I look forward to hearing from you soon.

Sincerely,



Jackie Lett
President
Mississippi Association of Broadcasters

JL:km

Enclosure

EB Docket No. 06-119
FCC 06-83

EXHIBIT B

**Testimony Before FCC Regional Hearing
March 7, 2006
Dave Vincent/ WLOX Station Manager
Jackson, Mississippi**

Hurricane Katrina, on August 29th 2005, is said to have been the worst natural disaster in our country's history. Looking at the devastation in our state and in neighboring states we can agree with that statement.

When most residents of America hear about Mississippi they think of a rural state with not much of a population base. However the population of the Mississippi Gulf Coast is close to the population of the city of New Orleans. The 2003 census information put the population along the Mississippi Gulf Coast at 411,000. While the population of the city of New Orleans was slightly higher than 484,000.

While the Mississippi Gulf Coast has not gotten the media attention of New Orleans I think the numbers show that we do have a large population base which has a great need to be informed prior to and after a major catastrophe.

You will be glad to hear that Mississippi broadcasters, both television and radio, did an outstanding job. In several cases, the broadcasters put their lives on the line in order to make sure the viewing or listening public had the necessary information to weather the storm.

There were some problems that I would like to address today for you and others to consider whether there might be some national help to address these concerns.

But first let me talk about the amazing job broadcasters did.

At my own television station, WLOX-TV in Biloxi, Mississippi we started our around the clock coverage early on Sunday morning. That coverage lasted for twelve straight days. We never went off the air, except for a few hours the week after the storm, when a water heater blew up on our generator in McHenry, Mississippi.

Then we were able to partner with WXXV, a Fox affiliate in Gulfport, Mississippi which carried our signal until we could get back on the air.

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Testimony Before FCC Regional Hearing

March 7, 2006

Dave Vincent/ WLOX Station Manager

Jackson, Mississippi

I am proud of the media on the Mississippi Gulf Coast. Four radio media groups, WLOX and the Sun Herald, a local newspaper, joined forces in providing information to the public. The four media groups, Triad, Gulf Coast Radio Group, Clear Channel and WOSM all joined forces in carrying the news product of WLOX.

By using the news from the TV station and the signal of the four radio groups we were able to keep the Mississippi Gulf Coast informed on emergency messages residents needed to hear before and after the storm.

We received many letters and calls following the storm saying that if they had not been able to receive our signal during the storm they do not believe they would have been able to make it.

At WLOX we experienced heavy damage from Hurricane Katrina. We lost our sales office when a tower fell, pulling a guy point out of the ground and tossing the ten ton piece of concrete on top of our building. Thank goodness no one was in that part of the station during the storm as they would have no doubt been seriously injured.

During the height of the storm the roof over our newsroom peeled away. We had to quickly move computers and other valuable equipment while we were still on the air. While our newsroom still had walls, it was not usable during and following the storm because of falling sheetrock and ceiling tiles. As of today we are in a make shift newsroom. We hope to finish the repairs by May of this year.

After our newsroom was damaged we all evacuated to a hallway where we kept broadcasting the latest radar maps and still took calls from viewers as long as we could. We operated for several hours out of this hallway.

Around three o'clock on that Monday afternoon we moved back to the studio even though the adjoining newsroom lacked a roof.

During the next two weeks, our staff did remarkable work. Working twelve hour shifts our 50 employees at the station kept broadcasting on our air waves and also to our radio partners.

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Testimony Before FCC Regional Hearing

March 7, 2006

Dave Vincent/ WLOX Station Manager

Jackson, Mississippi

Also, our parent company at the time, Liberty Broadcasting did a tremendous job in bringing in supplies on Tuesday morning to make sure we were able to continue broadcasting.

While we were struggling to keep operations going at our broadcast facility, our bureau reporters in Hancock and Jackson County were experiencing an even tougher time. Al Showers was at the EOC Center in Bay St. Louis. The water got so high outside the EOC center that the employees at the emergency center wrote numbers on their arms and then put the numbers and names up high in the building, in case they did not make it.

Our bureau in Bay St. Louis was completely destroyed. We lost our car, editing equipment, transmitting equipment. The only thing we saved was a camera which Al had with him.

In Pascagoula, we had a similar fate. We lost a car which was parked outside the EOC Center when the storm surge came ashore.

WRJW in Picayune, Mississippi went off the air for several hours after the hurricane force winds raked Pearl River County. However, having a standing tower, after the storm, they were determined to get back on the air as soon as possible.

They borrowed a generator from the manager of the radio station and were able to get back on the air by Tuesday night. Fuel became a big problem for them as there were no service stations operating. They literally drained the gas from their station van to keep their generator running for ten hours.

The station had to go to Kentucky to find a larger generator and adequate fuel to run their generator.

The station was the life blood of information for the Picayune area. The parking lot was full of folks needing to get information out. They included the local police, county sheriff department, emergency management personnel, FEMA, Red Cross and other emergency management personnel.

The manager of the radio station said if it had not been for gasoline they begged from listeners they would have been off the air in less than 24 hours.

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Testimony Before FCC Regional Hearing

March 7, 2006

Dave Vincent/ WLOX Station Manager

Jackson, Mississippi

Delores Wood , WRJW manager wrote the State Broadcasters Association that, "This incredible experience should point out the importance of hometown radio stations and their needs during a crisis. If things had been any worse, I'm not sure we could have handled it. And, I know we would have done a better job if we had been able to go full power right away."

In Jackson, our capitol city, all three television stations were able to continue broadcasting with back up generators. WLBT the NBC affiliate in Jackson used its helicopter to provide the first aerial look at the damaged areas. WLBT also used its helicopter to fly medical and other supplies to hard to get to areas.

Other radio and television broadcasters in Mississippi also were there for their communities. Some lost power for a few hours or days. But as soon as they could get back on the air they did and let the public know what was happening in their community.

Some radio stations were able to operate only at half power because of the problem of attaining enough fuel for generators to run transmitters at full power.

I think you can see Mississippi Broadcasters rose to the challenge. No doubt it was the biggest challenge they had ever faced in their broadcasting career.

Now let me talk about things that could have gone better for our state broadcasters. Fuel was no doubt the biggest problem facing our state broadcasters.

Along the Coast, MDOT attempted to confiscate fuel from both WXXV and WLOX. WLOX had brought fuel in from Lake Charles, Louisiana and had filled up our generator at the station and also shared some with the Sun Herald Newspaper across the street from us.

There was still a thousand gallons left in the tanker truck. The management of WLOX asked Colonel Joe Spraggins the local EOC director if he could use the fuel and he asked us to take it to the county barn. We were on our way out there with the fuel when a MDOT representative stopped the truck and ordered it to go to the same place we were taking it.

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Testimony Before FCC Regional Hearing

March 7, 2006

Dave Vincent/ WLOX Station Manager

Jackson, Mississippi

Jackie Lett the Executive Director of the Mississippi Broadcasters helped to arrange a fuel truck to come in and provide diesel fuel for WXXV. However the tanker was only able to off load one thousand of the three gallons of diesel fuel before it was confiscated. Another fuel run was attempted but once again the tanker was confiscated so fuel never was delivered to WXXV.

This was fuel that the individual stations had gone out on the open market and purchased in order to keep their generators running. It was not fuel being supplied by a state or federal agency.

I hope you agree that Broadcasters are First Responders and are just as entitled to their own fuel as other first responders such as Highway Patrol, sheriff officers or city police officers. Without this fuel there is no way the public will ever know what is going on.

Broadcasters must be recognized as First Responders in subsequent disasters or communication is going to come to a stand still and the public will be harmed because they did not receive vital information. Whether this is a state or federal issue is immaterial to me and I am sure other broadcasters. I hope if anything comes out of these hearings it is that the FCC and other federal agencies will designate broadcasters as First Responders.

Charles Dowdy the General Manager of WAKH, WAZA, WAKK, WAPF and WFCG in McComb, Mississippi said the biggest issue for them after the storm was fuel for generators and vehicles. Local officials offered to give them small amounts but it was not enough to keep them on the air. They organized trips to North Mississippi every other day to bring back several hundred gallons on each trip.

At WDAM Television station in Hattiesburg, Mississippi, the Chief Engineer, Jim Wilkinson told the state broadcasters association, "I'm still not certain what the problem was getting diesel. Pine Belt Oil supplies us and said there would be no problem getting more, then told us FEMA had clamped down on who was able to get fuel. We were told we need a FEMA Certificate; then we were told we don't need a certificate. FEMA took over the Collins facility, no they didn't. This kind of misinformation was the single biggest headache of the entire situation. If anything needs to be addressed statewide this is it."

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Testimony Before FCC Regional Hearing

March 7, 2006

Dave Vincent/ WLOX Station Manager
Jackson, Mississippi

Stuart Kellogg, the General Manager of WAPT-TV in Jackson said they had to hustle across three states to keep the generator supplied. WAPT tried to get an emergency letter from MEMA for diesel and gas but they had no luck.

Many of the smaller broadcast companies in Mississippi according to a report put together by the Mississippi Association of Broadcasters, do not have a generator. They were off for a few hours to days depending on when power was restored in their area.

Some type of program that would allow broadcasters to buy generators at a nominal cost would certainly help them in future storms that might affect their communities.

As you have heard several broadcast companies in Mississippi tried to get a letter from state and federal agencies to guarantee fuel shipments but that never happened. It would be good if in the future gas shipments to broadcasters could have some type of placard on board to indicate the fuel was going to a broadcaster and should not be confiscated.

Communication was non existent immediately following the storm. Cell phones and regular phone service did not work for the first couple of days. WLOX was lucky to have a Ham Operator stationed at our studio. The Harrison County EOC office sent the person to work with us.

Without the use of the Ham Operator it probably would have been a couple of days before we would have known whether the persons in our two bureaus had survived the storm.

Monday night, after the worst of the storm had passed we were able to contact the EOC's at the three coastal counties and find out some information that we were able to put on the air.

For example, we were told where persons should go the next day for kidney dialysis. It was vital to get this information out as dialysis patients would have become ill within days without the proper treatment.

The Ham Operator was able to transit vital information between agencies located at the EOC centers and WLOX. Without this link we would not have had any way to communicate with officials along the coast.

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Testimony Before FCC Regional Hearing

March 7, 2006

Dave Vincent/ WLOX Station Manager

Jackson, Mississippi

We did have two satellite phones and we were able to call long distance but we were not able to use them to make any local calls. They were great in letting our home office know that we were all alive.

In the future if any radio system is designed for civil defense it would be my hope that the media would also have some access to the technology so we would be able to communicate with emergency officials.

In the case of WLOX we are on a main feeder line for Mississippi Power so we had our power restored at the station in about five days. However, in other cases where a station is not on a major feeder line, it still would be good for the station to have a high priority so it could get back on the air as soon as possible. This would be especially true in some of our rural areas.

Finally I understand there are FEMA cards that are given out to the news media but as far as I know, this did not happen on the coast. We do have our own press cards provided by the local EOC office and they enabled us to move around freely.

However, when you go from county to county sometimes they might not be honored. Therefore it might be good if a central card either issued by a state or federal agency would be provided to the station. This would be needed not only for the news folks but also for the other support departments such as engineering and operation.

In closing, Mississippi Broadcasters did a terrific job. No doubt many lives were saved by the warnings put out by broadcasters in our state.

Hopefully some of the things we experienced will help others be even better prepared for next major catastrophe.

We appreciate you coming to Jackson and allowing the Mississippi Broadcasters to testify before this important committee.

I would be glad to answer any questions.

EB Docket No. 06-119
FCC 06-83

EXHIBIT C

REMARKS: C. PATRICK ROBERTS, PRESIDENT
FLORIDA ASSOCIATION OF BROADCASTERS

**Federal Communications Commission:
Hurricane Katrina Independent Panel**

**March 7, 2006
Jackson, Mississippi**

Good morning Madame Chairman and Members of the Panel.

I am C. Patrick Roberts, President of the Florida Association of Broadcasters. I also serve as the Florida Chairman of the Federal Communication Commission State Emergency Communication Committee.

Thank you for allowing me to share with you today my perspective on hurricane warnings and preparedness.

Let me begin by briefly sharing some of my experiences in the field of emergency management.

For the past 17 years, I have served on Florida's State Emergency Response Team. Broadcasters are considered First Responders in Florida.

Back in 1992 I was at our Emergency Operations Center three days before Hurricane Andrew hit our state and then I arrived in Homestead with Governor Chiles in the afternoon after landfall. I

have been to all the Florida Hurricanes since Andrew and last year I was in Biloxi the day after Katrina.

Hurricane Andrew taught Florida that local and state government needed to be better prepared to respond to these types of disasters. Andrew also taught us the preparedness was the responsibility of both the public and private sectors. As a result, for the past 13 years, Florida has invested in training people, utilizing the latest technology, and with the partnership with the Florid Association of Broadcasters implementing public disaster preparedness education programs.

Today Florida Broadcasters are considered First Responders, local radio and television are the life line to the residents of the local communities. Those efforts have not been limited solely to hurricanes. Florida has taken an ALL HAZARDS approach to preparedness and response that includes hurricanes, wildfires, flooding, tornadoes and also terrorism threats.

Without the emphasis on preparedness and response that Florida has had over the past 13 years our state and local governments and our residents would not have gotten through the numerous hurricanes that have hit our state during the past 2 years. We truly play like we practice.

I think many of the lessons learned in Florida, Alabama, Mississippi, Louisiana and Texas are valuable and applicable to the United States as a whole and I would like to take a few moments to share some of those with the Panel.

First, America MUST have a more cohesive and comprehensive program among federal, state and local governments and our citizens to prepare for natural disasters and terrorism.

The public expects a unified command from city hall to the state house and to the White House.

That means more training and exercises, and utilizing the latest training technologies. It also means we need our states and counties to have state-of-the-art Emergency Operations Centers.

We need a unified national Emergency Alert System for immediate public warning that allows the President or governors the ability to activate a county, a state, multi-state region or the nation.

Currently, the EAS system is most often used for AMBER Alerts to help communities find missing children.

I highly recommend a federally funded, state-based EAS system in a partnership between the FCC, NOAA and Homeland Security.

Today, the only way the President can speak to the nation through EAS is by utilizing the National Weather Service.

The Florida Association of Broadcasters in partnership with the Florida Division of Emergency Management has developed a comprehensive Hurricane Preparedness Campaign. This has

helped our residents be prepared when Hurricanes approach Florida. We produce and air public service announcements for both Television and Radio in both English and Spanish and they are closed captioned for television.

Broadcasters provide the public education at the start of every Hurricane Season and we add new messages based on our experiences. A few examples are:

- Evacuation Zones
- Special Needs
- Prescription Drugs
- Pets

During an actual hurricane, Broadcasters provide valuable information to the local residents of the impacted area. In most cases, it's the radio stations, with the help of the local television news operations that are able to get the information out.

Because of their role during disasters, broadcasters also need to have priority status when it comes to fuel. Over the past few years there have been a number of instances where radio and television stations were close to going off the air because they were running out of fuel for their generators. In Florida, local television and radio stations are on the priority fuel list after health care and public safety. Local, State and Federal Emergency Management plans need to include Broadcast stations in their fuel priority plans.

During 2004, for the first time we activated EAS in Florida before two of the hurricanes made landfall. That led me this year to share our experience with stations in Alabama, Mississippi and Louisiana and let them know what they needed to do to help their local citizens. It is my understanding EAS was activated by the National Weather Service during Katrina.

In 2004, the Clear Channel radio station in Punta Gorda lost over half its buildings but stayed on the air throughout the storm. Last September, as a result of Hurricane Katrina, WLOX-TV in Biloxi, lost a large part of its building but never went off the air. They never stopped broadcasting vital news bulletins to its community. Several local Southern Mississippi radio stations simulcast WLOX-TV programs – these are broadcasters working together to serve their communities. Broadcasters – along with the police, firefighters, emergency managers, public safety officials, electric utility and phone providers are on the front lines as the nation's First Responders.

Local Broadcasters are proud of their role serving their communities and are vigilant in alerting and warning people – especially to get them out of harms way.

I have enclosed a more detailed report that I provided the U. S. Senate Commerce Committee last fall for your review.

I am honored to answer any questions the Panel may have at this time.

**WRITTEN TESTIMONY OF MR. C. PATRICK ROBERTS, PRESIDENT OF THE FLORIDA
ASSOCIATION OF BROADCASTERS**

**OVERSIGHT HEARING ON "THE LIFESAVING ROLE OF ACCURATE HURRICANE
PREDICTION"**

**BEFORE THE COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION SUBCOMMITTEE ON
DISASTER PREVENTION AND PREDICTION**

UNITED STATES SENATE

SEPTEMBER 20, 2005

Good afternoon Mr. Chairman and Members of the Committee. I am C. Patrick Roberts, President of the Florida Association of Broadcasters (FAB). I also serve as the Florida Chairman of the Federal Communication Commission State Emergency Communication Committee.

Thank you for allowing me to share with you today my perspective on hurricane warnings and preparedness.

Let me begin by briefly discussing the role local broadcasters' play when their communities are threatened, and then impacted by a major storm.

As a hurricane approaches, people get most of their tracking and preparedness information about the storm from television. As a hurricane makes landfall, and in the aftermath, power goes out, our homes go dark, and people are without television, cable, satellite, and the Internet. There is limited, if any, cell and hard-wire phone service.

In these circumstances, radio becomes the primary, and in many cases, the sole lifeline and communication tool to a community and its residents. In many cases the local radio stations work with local TV news operations and simulcast the television audio signal to provide a broader range of non-stop news and information to the impacted areas.

In Hurricane Katrina, both large and small market television and radio stations rose to meet the challenges that the storm presented. The ownership of these stations ranged from small, family-owned businesses to major media corporations. Going beyond normal competitive rivalries these stations worked together to ensure that their local communities received critical and timely news and emergency information.

I visited a number of stations in the impacted areas of Mississippi and saw the local news, production, engineering, and management teams of both radio and television stations working around the clock to help their communities receive the latest information on the storm and its aftermath.

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The coverage was non-stop, 24-hours a day and commercial free.

What impressed me about each of the stations I visited was the total commitment of these broadcasters to keep their stations on the air and their viewers and listeners informed about their communities.

What made that commitment even more impressive was the number of employees at both radio and television stations who had tragically lost their own homes; yet, they remained at their posts and continued to do their jobs. It was truly inspiring.

My experience in Mississippi is not an isolated one. During my seventeen years as the President of the Florida Association of Broadcasters, I have observed the same level of commitment by Florida's broadcasters each time a major storm has hit our state.

Furthermore, I have seen this same level of commitment from Florida's Emergency Management community when disasters have struck my home state.

Since Hurricane Andrew devastated areas of southern Florida in 1992, the state's Emergency Management teams have developed a unique and comprehensive approach to prepare the state, local governments, and individuals to better deal with the dangers of both man-made and natural disasters.

I'm proud to say that the Florida Association of Broadcasters has been a part of the team to help with those efforts.

Florida has benefited from the strong leadership of former Governor Lawton Chiles and current Governor Jeb Bush in the development and execution of the state's philosophy in dealing with Disaster Preparedness and Response.

Its Emergency Management team, under the leadership of Craig Fugate, is trained and prepared, and continually trains and prepares.

Hopefully, my comments on what has been developed in Florida will provide some insight to the Committee as you explore what the federal government, state governments, local governments, and individuals can do to better prepare not only for hurricanes, but for all types of natural and man-made hazards.

"Florida Prepares" is what we call our disaster preparedness efforts in the Sunshine State. I encourage the Committee to review our Preparedness and Response systems and strategies and to recommend a similar approach across all fifty states. I suggest it be developed under the umbrella of "America Prepares."

It is an idea whose time has come.

The notion of an “all hazards” approach is an important one for the Committee to understand because, in the view of the Emergency Managers of Florida, the steps to prepare for, and respond to, are the same, regardless of the hazard.

In Florida we do not differentiate between the different types of hazards that may threaten our residents and visitors.

The developed approach is applicable to hurricanes, floods, tsunamis, earthquakes, tornadoes, chemical spills, a terrorist attack or any other hazard that threatens our communities and our citizens.

Key components of the Florida Preparedness model could form the basis for an “America Prepares” model that would better protect our citizens and their property.

Some of the key components of the Florida model are:

1. **Annual public education media campaigns.**
Public radio and television media campaigns developed in both English and Spanish to inform citizens on the necessary steps to take to prepare their families and to protect their property when a natural or man-made disaster threatens their community.
2. **Robust and frequent training exercises for Emergency Managers, Government Officials and First Responders.**
These exercises simulate “real-life” situations followed by critical reviews of the actions taken. Critical after action reviews for an actual event are also conducted and the “lessons learned” are applied to future responses.
3. An **Emergency Alert System (EAS)** that is a true partnership among state governments, local governments, and broadcasters.
4. A **Unified Command** approach wherein all of the players check their egos, logos, and party affiliations at the door. The result is a true team approach to respond to the needs of impacted citizens.

These are by no means the only actions that have led to the success that Florida has had when responding to disasters. However, they are the ones that I feel are most relevant for my appearance before this Committee. The following is an elaboration on each of the key components.

ANNUAL STATEWIDE PUBLIC EDUCATION MEDIA CAMPAIGNS

After Hurricane Andrew, the former Director of the Florida Division of Emergency Management, Mr. Joseph Myers, worked with me to develop an ongoing Statewide Hurricane Preparedness Education Program for Florida's residents utilizing broadcast television and radio. The program has been expanded upon and revised annually under the present Director, Mr. Craig Fugate.

Hurricane Andrew was a benchmark event in the history of Emergency Management. Federal, state, and local governments were ill equipped to handle this type of catastrophe and needed to rewrite the book on preparing for, and responding to, these types of disasters. It was also recognized that government could not do it all. Individuals need to take greater responsibility for protecting their family and their property. The role of Public Education was deemed a priority by the State of Florida to help accomplish the "preparedness" goal.

During the past thirteen years, the Florida Association of Broadcasters has produced, distributed and monitored a series of television and radio spots on hurricane preparedness through its Non-Commercial Sustaining Announcements program. The spots are closed-captioned and produced in both English and Spanish. The messages are decided upon by the Division of Emergency Management (DEM) and are updated each year based on changing priorities of the Division.

An example of those changing priorities occurred in 1999 when Hurricane Floyd threatened our state. The Division wanted to address the problems that occurred when a massive evacuation resulted in traffic gridlock that could have put the evacuees in danger had the storm changed its direction. Consequently, FAB produced a series of spots that addressed DEM's revision of its evacuation policy.

Past and present messages include creating a family disaster preparedness plan, special needs preparedness plan, interior counties preparedness plan, preparedness plans for pets, and small business plans. I have provided a DVD to the Committee and its staff that includes a sampling of the statewide television spots produced over the course of the partnership between FAB and the Florida Division of Emergency Management.

The partnership between the Florida Division of Emergency Management and the Florida Association of Broadcasters is designed to be comprehensive, yet nimble enough to respond to an immediate need.

A case in point occurred in the beginning of July 2003. A series of drownings had occurred in the Florida Panhandle that was the result of rip tides. With the Fourth of July weekend approaching, DEM was concerned that citizens were not aware that they might be at-risk.

On the Thursday before the weekend began, FAB and its producer, Michael Babich, wrote, produced and distributed radio PSAs to its member stations throughout the Panhandle

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within a six-hour period. The entire production process, including the initial request by DEM, script writing and approval, the recording of narration, postproduction, and distribution, was done electronically through email and the PSAs began airing that Thursday evening.

The Florida Association of Broadcasters and the Florida Division of Emergency Management partnership has documented over fifteen million dollars in radio and television airtime since the program began in 1993. This does not include educational campaigns independently conducted by our member radio and television stations in their local communities. In fact, almost every broadcast outlet in Florida develops their own hurricane preparedness campaign that builds upon the educational efforts of the Florida Association of Broadcasters and the Florida Division of Emergency Management.

Public Education is an important component of any disaster preparedness effort and Florida's experiences in these efforts are unequalled. I am proud of the partnership between the Florida Association of Broadcasters and the Florida Division of Emergency Management and look forward to continuing our efforts to educate the residents of Florida on the importance of disaster preparedness.

I urge the Committee to consider expanding our statewide public education efforts to a national level and to design an "America Prepares" public education program. These efforts need to be ongoing, not just prior to, or immediately after, a major disaster strikes.

EMERGENCY ALERT SYSTEM (EAS): THE PUBLIC WARNING SYSTEM

Florida has the model Emergency Alert System in the nation. The EAS system was upgraded and implemented after Hurricane Andrew. The Florida EAS has two primary entry points, one at the state Emergency Operations Center and a second at the Florida Department of Law Enforcement headquarters.

The state Emergency Communication Committee works with state and local authorities, and the broadcasters, to operate the system. EAS can be activated statewide, regionally, or by a single county.

For years, EAS was not used prior to a hurricane. The National Hurricane Center and local media warned residents. In Hurricane Andrew, EAS was activated to inform residents in south Dade County the location for food, water, and shelter after the storm.

In 2004, EAS was activated twice in Florida before hurricanes made landfall. The first was when Hurricane Charley turned slightly to the east and headed towards Charlotte County in Southwest Florida. Max Mayfield notified Craig Fugate at the Florida State Emergency Operations Center how critical it was to alert the southwest Florida residents that the eye of the hurricane was heading to their coast. Within fifteen minutes the State Warning Point activated the EAS from Naples to Sarasota, in both English and Spanish, informing residents of the need to seek immediate shelter because they were now in the path of the storm.

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The second time EAS was activated during the 2004 Hurricane Season was during Hurricane Jeanne. The eye of the storm was very wide and slow moving. For years meteorologists have warned residents the eye of a hurricane generally takes thirty minutes to an hour to pass over an area. This time, due to the size and slowness of the storm, EAS was activated to inform residents it would take several hours for the hurricane eye to pass their area.

Florida's EAS has proven to be a valuable warning tool. It is the only means for delivering one single message at one time on all televisions, radios, and cable channels. The majority of states and counties do not have an operational EAS system tied to their Governor, county management, or any state or local emergency operations center. It is time to do so.

Taking this one step further, the United States needs an Emergency Alert System national program that can be activated by a mayor, county official, governor, or the President. It has a proven track record in Florida for saving lives and keeping the public uniformly informed.

TRAINING AND AFTER ACTION REVIEWS

Every disaster provides a learning opportunity for those who participate in the response to the event. Unfortunately, that is not the time to find the problems in an organization's preparedness and response systems. Hurricane Andrew, 9-11, and now Hurricane Katrina are the best examples of disasters that overwhelmed governments and communities in the impacted areas.

Florida, like many states, conducts exercises and training throughout the year. Florida, being in the "eye of the storm" more than most, probably has the most experience of any state in responding to these types of disasters.

In fact, a contingent of Florida Emergency Managers and First Responders has been deployed to assist the state of Mississippi in its response to Hurricane Katrina. After viewing those efforts firsthand, and getting reports from local government officials in the impacted areas, I can tell you that Florida's experience has been an invaluable resource for the Emergency Management community and people of Mississippi.

I may be biased, but I think that Florida is the most advanced state in the country when it comes to responding to a disaster.

That being said, it is also fair to say, from a victim's perspective, any government response will never be fast enough.

With that in mind, Florida has trained and learned from experiences in real-life events to minimize the time it takes to reach the victims of these types of disasters. This was continually demonstrated during the 2004 Hurricane Season.

In the words of Florida's Emergency Management Director, Craig Fugate, our teams "do not wait for blue skies" to begin the response to impacted communities, "We move in as soon as it is safe for the first responders."

That is a mindset that needs to reach across all levels of response from the federal to state to local governments, and to charities such as the Red Cross and Salvation Army.

I realize that this is an easy statement to make; the reality of a situation like Katrina has proven to be more problematic.

Nonetheless, through an increased emphasis on training and after action review, other federal, state, and local emergency management teams will be better equipped to deal with the uncertainties that hazards present when communities are impacted.

Florida undergoes extensive internal reviews of the actions taken both during exercises and real-life events. I have previously mentioned some of the lessons learned from Hurricane Andrew and Hurricane Floyd. There are many others.

For example, Hurricane Charley's late shift towards the east and into Charlotte County illustrated the need to educate the public to pay attention to the entire area within the "projected path cone" and not just the "straight-line" path.

One lesson learned from Hurricane Frances was that supplies such as ice and water need to be positioned in multiple areas around the peninsula of Florida, not just north or south. Trucks with supplies positioned north of the storm during Frances could not make their way to the impacted areas until the slow moving storm passed through, thereby delaying the state's response. DEM corrected this when Hurricane Jeanne came through the same area a month later.

Actual events like those mentioned above can never be truly duplicated in training exercises. However, training tools such as Table Top exercises, Full Scale Field exercises and other training methods are invaluable when response teams are called upon to respond to actual events.

FAB has produced a number of video and multi-media training tools for the Florida DEM and has seen firsthand the results of Florida's training efforts.

Through the use of training tools, Florida has demonstrated how effective training and after action reviews of real-life events are essential to develop and sustain a first-class response team.

These efforts must be valued by all levels of government, paid attention to, and utilized when real disasters strike.

A UNIFIED COMMAND APPROACH

When Hurricane Charley left a trail of damage across the state of Florida in 2004, the decision was made by the Florida Division of Emergency Management and the Federal Emergency Management Association (FEMA) to form a Unified Command.

This meant all state and federal assets in support of the impacted counties were now joined together and would be known as "Charley Command."

No longer would the supplies and materials being brought into the impacted area be identified as FEMA or state assets.

As a result, the mission of the response teams became simple and clear.

At a press conference in Punta Gorda, Florida two days after landfall, Craig Fugate, the Florida Division of Emergency Management Director stated that by quickly combining state and federal assets, "our only mission in life now is to meet the needs of the disaster victims in the communities of this storm."

Consequently, politics and turf battles were minimized and the focus remained on the victims. The teamwork that was built among the local, state and federal response teams was apparent in the response to each of the four storms. Building that team concept, obviously, did not happen overnight. But the quality of the response that took place during last year's hurricane season illustrates how important it is to develop a unified team that understands its missions and maintains its focus on the victims.

During the 2004 Hurricane season, FAB had camera crews in the State Emergency Operations Center in Tallahassee, the National Hurricane Center in Miami, and in the impacted areas throughout the state. The Florida Broadcasters produced an hour-long documentary entitled "The Hurricanes of 2004", on the coordination between local and state emergency managers, FEMA, & the National Hurricane Center. I have provided a DVD of the documentary to the Committee and the staff.

I encourage you to view the DVD and see for yourself how Florida responded to an extremely difficult set of challenges. I am not implying everything throughout the responses to the four storms always went smoothly. It did not. But the unified approach worked and the citizens of Florida were served in their time of need.

Building the kind of teamwork I described also involves building a level of trust that people will do their job and will not let bureaucracy get in the way of helping victims.

I recently faced that type of situation as Katrina approached the Gulf Coast.

As I mentioned previously, when a disaster strikes most local broadcast stations provide non-stop, commercial free coverage for the duration of the emergency. This includes television stations simulcasting over radio stations. On the Sunday before Katrina made

landfall I spoke with broadcast engineers in the Florida Panhandle and in the Pensacola-Mobile market. They shared my concern that Katrina would likely take out all broadcast television and radio stations in southern Mississippi and southern Louisiana.

Based upon my experience with Hurricane Andrew and in my role as Florida's Chairman of the FCC State Emergency Communications Committee, I advised Mobile-Pensacola stations to increase power after the hurricane made landfall to provide emergency information to citizens in the impacted area where broadcast service was inadequate.

I also advised representatives of a group of southern Mississippi radio stations that if they were able to stay on the air they could increase their power to provide emergency information to areas where other stations had been damaged and gone off the air.

I did not wait for formal FCC approval to take that step.

My experience in these kinds of disasters led me to bypass official channels and then to ask for "forgiveness" later. Fortunately, the FCC Chairman's office and Senior Staff agreed with my advice, and encouraged me to take whatever steps I could devise to keep broadcasters on the air.

I should note that the FCC and its staff have been proactive in working with broadcast stations to ensure that emergency information is available to all areas impacted by Katrina.

The reason I mention this is that in times of major disasters, people have to make decisions that may not always follow the proper procedures or protocols.

The intent is not to be reckless or a "loose cannon", but to do what is best for the citizens in the impacted communities based on an individual's or a team's experience. Florida has learned this lesson well and it was continually demonstrated last year during the four hurricanes.

RECOMMENDATIONS FOR THE FUTURE

Over the past thirteen years I have traveled to every major disaster that has struck the state of Florida. I also recently visited the Gulf Coast of Mississippi to assist local broadcasters and view the damage to those impacted communities. My heart goes out to the residents of Mississippi and Louisiana. It is a disaster unlike any I have ever seen.

A comment was made that the damage in those areas was of "biblical proportions". It is an assessment with which I agree. Unfortunately, it will not be the last time a disaster of this magnitude strikes the United States.

With that in mind, I would like to offer the Committee the following recommendations for your consideration, trusting that when future disasters strike, our government, our communities, and our citizens will be better prepared to respond to all types of disasters.

Public Preparedness Education

Our nation must move forward with plans, beginning with our families and our neighbors, moving to the courthouse, then to the state house and ultimately, to the White House. "America Prepares" must be our focus.

A nationwide "America Prepares" Campaign would encourage and help each individual, family, special needs person, small business and others in our country to develop and implement a disaster preparedness plan.

To do so, we must launch a major nationwide public education disaster preparedness campaign. The National Association of Broadcasters and, more importantly, the State Broadcast Associations in all fifty states and Puerto Rico who have successful Non-Commercial Sustaining Announcements programs are ready to help.

Utilizing the network of State Associations allows for a more regional approach to help citizens prepare for the different types of disasters that affect different parts of our country. A regional approach also encourages more local and state involvement between broadcasters and the Emergency Management community. This approach has worked in Florida and should be duplicated nationwide.

An "America Prepares" Public Education Disaster Preparedness Campaign would include:

- Content with specific information for people to develop and implement a Family Disaster Preparedness Plan
- Fifteen, twenty and thirty second radio and television spots
- Spots produced in English/Spanish/other
- Spots closed captioned for the hearing impaired

Improving the Emergency Alert System (EAS)

Along with better preparing our citizens we must also improve and expand the current Emergency Alert System (EAS). In Florida, EAS can be activated at the county and state level. A national EAS system is needed which can be activated at the Federal Emergency Operations Center and at the White House.

It is important to remember that in the impacted areas, radio and television partners are the lifelines to the affected areas – they are the backbone of the EAS system.

Priority Fuel Status for Broadcasters

When power is lost and broadcasters are on generator power, radio stations simulcast television programming so citizens can stay informed. To maintain that lifeline to impacted communities I strongly urge the Committee to consider recommending priority

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status for fuel allocations to all radio and television stations, particularly the two primary EAS radio stations in the local operational areas where the disaster strikes.

During Hurricane Katrina there were a number of instances where radio stations were in danger of going “dark” because they were on generator power and running out of fuel. Local broadcasters play a vital role in communicating information to residents when a disaster strikes and steps need to be taken to ensure that they remain on the air particularly when, as was seen during Katrina, the initial response is delayed.

It should also be noted that as we continue to move into the age of Digital Television, broadcasters will be able to expand the informational services they provide to impacted citizens. When future disasters strike, television stations will always provide local news coverage, but through “multicasting” they will also be able to provide even more information to their viewers.

As an example, one sub-channel will be devoted entirely to weather information; another sub-channel would broadcast in Spanish; another sub-channel would provide detailed preparedness information. Citizens will have more information available to them and will be able to better assess their risks and vulnerability. It is critical that broadcasters, after health care and law enforcement, have priority status for fuel allocations.

Better Training Leads to Better Teamwork

Training is another area that needs review. Florida’s systems of preparedness and response are perhaps the best in the country and should be reviewed by this Committee as a model for other states. The Florida Association of Broadcasters, over the years, has produced enough training materials for the Florida Division of Emergency Management to realize the effects of an increased emphasis in this area. I believe in the concept “you play like you practice” thus witnessing, firsthand, positive results when training is a priority.

Utilizing the latest technology and advancements in training theory can be an effective and engaging way to train Emergency Managers and First Responders to be better prepared to serve our citizens.

Better training also leads to better teamwork. Some of the challenges on the Gulf Coast, particularly in New Orleans, were magnified due to the confusion of roles among the federal, state, and local response teams. I cannot emphasize this strongly enough – a response to a disaster without a unified team approach is another disaster in itself.

Florida has invested a lot of time, effort and money developing partnerships among different state and local agencies, the Florida National Guard, charities, and the National Hurricane Center. The results of those efforts, while not always perfect, have led to a focus on serving the citizens of the state which is the ultimate goal of any response.

Recognizing the importance of unified teamwork, I urge the Committee to resist any attempt to privatize the National Weather Service. It is critical to have qualified, experienced, independent meteorologists. The chance cannot be taken for profit to replace product or for personal appearance to replace experience.

The National Hurricane Center is an integral part of the Florida team; to take any steps altering this relationship is, in my opinion, a serious mistake and not worthy of serious consideration.

CONCLUSION

My comments are designed to improve our national efforts in responding to disasters of all kinds, and it is my desire this Committee will consider my thoughts and recommendations in the spirit in which they are offered.

I appreciate the opportunity to come before this Committee today. Our world is changing dramatically and unfortunately, disasters have become somewhat of a way of life for the citizens of the United States. Therefore, Americans must be better prepared to handle the challenges when disasters strike.

I thank the Committee for the work they are doing, I offer my help to prepare the citizens of the United States for any future disasters, and now, I am honored to answer any questions the Committee may have at this time.

BIOGRAPHY

***C. Patrick Roberts, President
Florida Association of Broadcasters, Inc.***

Mr. Roberts has been the President/CEO of the Florida Association of Broadcasters, Inc. for the last seventeen years. Mr. Roberts has many years of experience working with the Florida Governor's Office, the Florida Cabinet, state agencies and not-for-profit organizations. Through FAB, Mr. Roberts has provided public service campaigns that disseminate information regarding issues critical to all Floridians, including educating the people of Florida about Hurricane preparedness. After Hurricane Andrew in 1992, Mr. Roberts and FAB developed educational campaigns to air on television and radio. Along with the State of Florida, FAB developed plans to use the television station's news resources to partner with the radio stations to get information out to the impacted areas when radio was the only means of communication after a storm. Mr. Roberts has been to the sight of every major hurricane since Andrew including Opal, Erin and the four Hurricanes in Florida during the 2004 season. He has also recently visited the southern Mississippi coast after Hurricane Katrina.

Mr. Roberts serves as the chairman of the FCC State Emergency Communication Committee, which oversees the EAS System for Florida. Since 9/11 he has also served on a working group of the FCC's Media Security Reliability Council, which helps make plans to ensure the public is informed with reliable information during emergencies. Mr. Roberts was the personal assistant to Jack Eckerd, president and founder of the Eckerd Drug Company. He was a consultant whose clients included General Alexander Haig, former Senator Bob Dole, Congressman Mike Bilirakis and the Billy Graham Evangelistic Association.

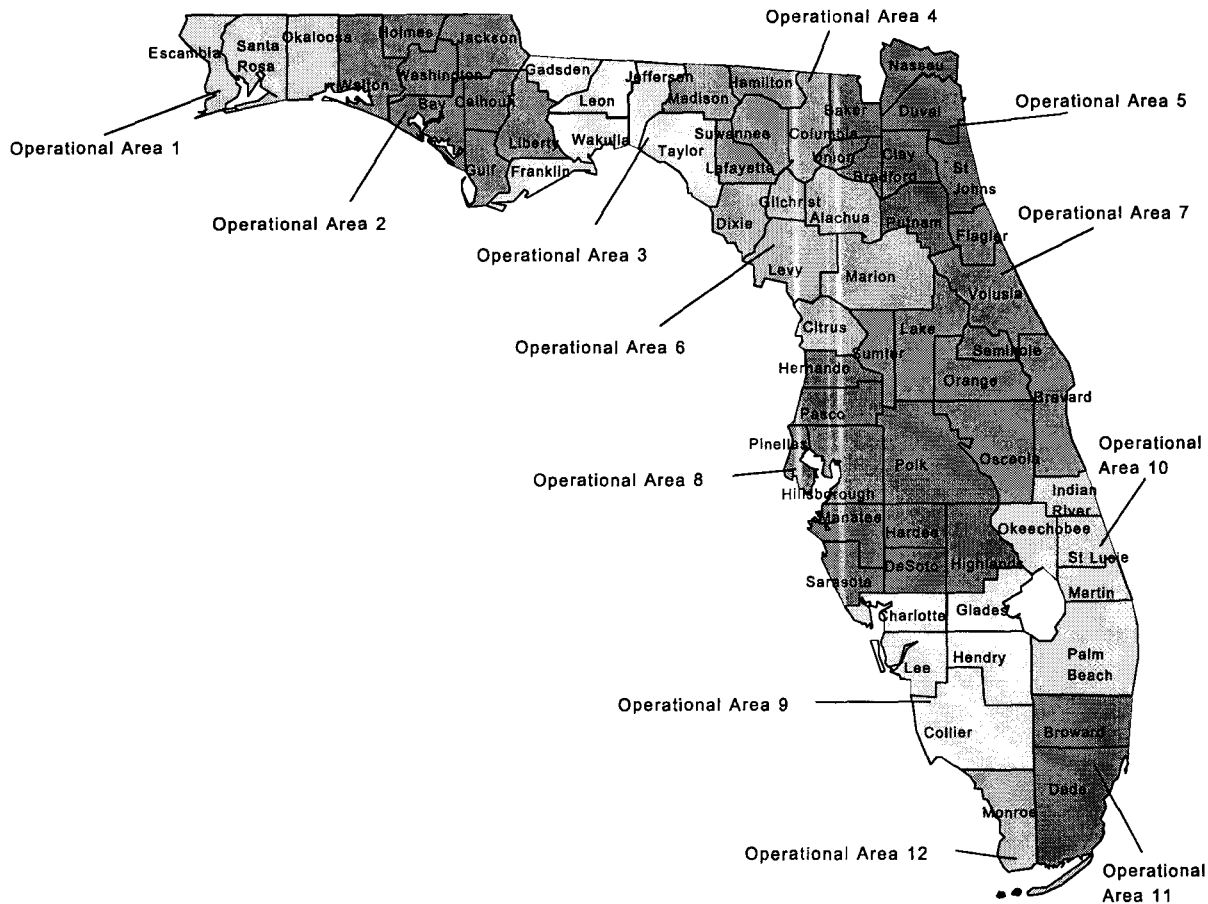
Mr. Roberts is currently the treasurer of the Ounce of Prevention Fund of Florida, a state wide non-profit devoted to helping children and families. He is the founder and Chairman Emeritus of Seaside Interfaith Chapel in Seaside, Florida, and a member of the Board of trustees National Jewish Hospital in Denver, Colorado.

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FLORIDA E.A.S

FLORIDA EMERGENCY ALERT SYSTEM

STATE PLAN



FLORIDA ASSOCIATION OF BROADCASTERS, INC.

&

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

DIVISION OF EMERGENCY MANAGEMENT

APPROVED: JUNE 2000 -- REVISED: JUNE 1, 2005

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I. Introduction

When the Emergency Broadcast System (EBS) was first introduced in the 1960s its scope was limited: warn the population of the threat of nuclear attack. Through the years, the EBS became a conduit of passing on life-saving weather information, but the technology became antiquated. Because digital technology was becoming more reliable, the FCC changed the EBS into the Emergency Alert System (EAS). The EAS would mirror the EBS, but provide a more dependable, bottom-up approach in providing emergency messages. National activations, the only time government can override programming, remains the same. However, state and local emergency management officials and broadcasters may decide what messages should be aired to the public. The EAS brings in technology that was uncommon in the 60s - satellite communications, cable television, paging systems, and cellular telephones. It is envisioned the public will quickly grow accustomed to hearing the shortened emergency message, and then tune to their regular news source for the protective action information.

Each year Florida is impacted by many devastating emergency and disaster events requiring the immediate alerting of citizens and visitors providing them with an opportunity to protect themselves and, time permitting, their property. The Emergency Alert System is an invaluable tool that will help prevent the loss of Florida's most precious resources - its people.

II. Purpose

The purpose of the Florida EAS Plan is to put in place a system for emergency officials to use to announce or transmit an emergency alert to the potentially impacted population.

III. Authorities and References

- ◆ Title 47 U.S.C. 151, 154(i) and (o), 303(r), 524(g) and 606; and 47 CFR, Part 11, Federal Communications Commission Rules and Regulations, Emergency Alert System (EAS) as it pertains to day-to-day emergency operations. *Note: 47 CFR, Part 11, was amended May 16, 2002. Portions of this state plan have been updated to incorporate the changes.*
- ◆ All operations of the Emergency Alert System are in accordance with Subpart G of Part 73, FCC Regulations (Title 47, Code of Federal Regulations; The Federal Communications Commission's "EAS Checklist"). This plan is consistent with the provisions of the rules and regulations of the Federal Communications Commission (FCC) and is considered to be a supplement to the National Emergency Alert System Plan.
- ◆ NUREG 0654, Federal Emergency Management Agency, establishes emergency notification requirements for Nuclear Power Plants.

IV. Plan Implementation and Maintenance

The Florida Emergency Alert System Operational Plan is prepared by the State Emergency Communications Committee in conjunction with the Florida Division of Emergency Management and is based on recommendations from state and county emergency management officials, National Weather Service (NWS), and the broadcast industry. The responsibility of administering this Plan rests with the members of the Florida State Emergency Communications Committee (SECC).

This plan supersedes the previous plans for the State of Florida Emergency Broadcast System effective June 1, 2002.

This Plan should be reviewed at least annually, after each activation of the EAS, or as otherwise needed. The Plan may be amended or modified by a majority vote of the State Emergency Communications Committee.

Acceptance of or participation in the Plan shall not be deemed as a relinquishment of program control or to prohibit a broadcast licensee from exercising independent discretion and responsibility in an emergency situation. Broadcast stations and cable systems originating EAS emergency communications shall be deemed to have conferred rebroadcast authority. The concept of management of each broadcast station and cable system to exercise discretion regarding the broadcast of emergency information and instructions to the public is provided by the FCC Rules and Regulations.

V. Concept of Operations

A. Planning Assumptions and Situation

1. Coordination of the Emergency Alert System is the joint responsibility of the State Emergency Communications Committee, Operational Area Committees, National Weather Service, and Florida's Emergency Management community.
2. This Plan shall be used as a guide for the activation of the Emergency Alert System; the specific event situation may require modification of the system.
3. The success of the EAS depends solely upon the cooperation among the broadcast industry, cable television industry, National Weather Service, and emergency management officials to receive, broadcast, and re-broadcast emergency messages.
4. This Plan must reflect the philosophy and content of the State's Comprehensive Emergency Response Plan.
5. This Plan must be consistent with the EAS process outlined in the State's Nuclear Power Plant Plans.

6. This Plan shall be utilized regardless of emergency/disaster event type.
7. Each Operational Area Emergency Alert System Plan must be consistent with the philosophy of this Plan.
8. This Plan assumes all participants have been trained in the activation of the EAS.
9. The State Emergency Communications Committee recognizes that broadcasters rely on "air time" use to maintain business continuity.

B. Operational Objectives

The EAS program is formulated around two distinct time frames: Preparedness and Response. Preparedness being activities that should be implemented prior to the initiation of the EAS. The Response phase is the real time activation of EAS. The following Operational Objectives must be accomplished to comply with the FCC EAS regulations and to put in place an EAS program to successfully alert Florida's citizens and visitors.

Preparedness Objectives

Objective 1: Broadcasters, and State and Local Emergency Managers must become familiar with the Emergency Alert System.

Objective 2: Local Primary 1 and 2 Station Broadcasters, and State and Local Emergency Managers must conduct or participate in the Required Weekly Test (RWT) of the Emergency Alert System as established by the Operational Area Committee Plan.

Objective 3: Local Primary 1 and 2 Station Broadcasters, and State and Local Emergency Managers must conduct or participate in Required Monthly Test (RMT) of the Emergency Alert System as established by the Division of Emergency Management.

Objective 4: Operational Area Committee shall coordinate activities of the Emergency Alert System with broadcasters, National Weather Service, and local and state emergency management agencies.

Objective 5: Local Primary 1 and 2 Station Broadcasters participate in exercises with local and state emergency management agencies.

Objective 6: Local Primary 1 and 2 Station Broadcasters, Operational Area Committees, and Local and State Emergency Managers must orient the public in the use of the Emergency Alert System.

Response Objectives

Objective 1: National Weather Service or Local or State Emergency Management shall activate the system as quickly as possible upon becoming aware of an emergency/disaster event.

Objective 2: Local Primary 1 (LP 1) stations and Local Primary 2 (LP 2) stations must continuously monitor a minimum of two EAS sources.

Objective 3: Broadcasters, and State and Local Emergency Managers should participate in and support the use of the Emergency Alert System during real events.

Objective 4: Broadcasters, and State and Local Emergency Managers should critique the use of the Emergency Alert System after real events.

Objective 5: State Emergency Communications Committee and Operation Area Committees shall modify State and Operational Area EAS Plans based on the results of real-time EAS activations.

C. EAS Priorities

The following are EAS priorities as set forth in the FCC Rules and Regulations:

A national activation of the EAS for a Presidential message with the Event code EAN as specified in §11.31 must take priority over any other message and preempt it if it is in progress.

1. EAS participants should transmit other EAS messages in the following order: (1) Local Area Messages; (2) State Messages; (3) National Information Center (NIC) Messages.
2. Key EAS sources (NP, LP, SP and SR) and Participating National (PN) that remain on the air during a National emergency must carry Presidential Messages "live" at the time of transmission or immediately upon receipt. Activation of the National level EAS must preempt State and Local Area EAS operation.
3. During a national emergency, the radio and television broadcast network program distribution facilities must be reserved exclusively for distribution of Presidential Messages. NIC messages received from national networks that are not broadcast at the time of original transmission must be recorded locally by LP sources for transmission at the earliest opportunity consistent with the message priorities in paragraph (1) of this section.

D. Assignment of Responsibilities

1. The State of Florida Emergency Communications Committee

The FCC appoints the SECC Chair and Vice-chair. SECC members include the Chairs and Vice-chairs of the operational area emergency communications committees and other voluntary members appointed by the SECC Chair. The State Emergency Communications Committee is responsible for:

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- a. Overseeing the functionality Florida Emergency Alert System.
- b. Reviewing operational area plans.
- c. Promoting the EAS with Florida Broadcasters.

2. Local Area Emergency Communications Committees

The State of Florida is divided into 12 major EAS Operational Areas based on the broadcast industry's Audience of Dominant Influence (ADI). The ADIs are recognized by the Federal Communications Commission. The operational area committee and vice-chair are appointed by the FCC. Committee members are appointed on a voluntary basis by the Operational Area committee chair. The Operational Area Committees serve as sub-committees of the State Emergency Communications Committee.

However, geographic or demographic influences have created "sub" areas that are recognized by the Operational Area and State Emergency Communications Committees. The Palm Beach Area is subdivided into 10-A and 10-B where "10-A" serves the northern 2/3 area that includes St. Lucie, Indian River and Okeechobee counties. "10-B" serves the southern 1/3 area that includes Palm Beach, Martin and St. Lucie counties. The Miami-Dade Area is subdivided into 11-A and 11-B where "11-A" serves the English speaking population and "11-B" serves the Hispanic population. The Key West Area is divided into 12-A (Upper Keys) and 12-B (Lower Keys).

The Operational Area Committees are responsible for:

- a. Overseeing the Operational Area Emergency Alert System.
- b. Developing and maintaining operational area plans.
- c. Promoting the EAS with local Emergency Management Programs and Broadcasters.
- d. Participating with the State Emergency Communications Committee.
- e. Orientating the public to the EAS program.

3. Division of Emergency Management

The Florida Division of Emergency Management is the State Primary (SP) station broadcasting emergency alert messages and is a source of EAS State messages. The SP is responsible for monitoring the National Weather Service Warning and Forecast Offices (WFO) and county emergency management programs for emergency messages. The SP may assist with either a single or multiple county EAS message activation. Additionally, SP messages may originate from the Governor or a designated representative in the State Emergency Operating Center (EOC). Messages are sent via the State Relay Network. The Division has developed and installed a statewide satellite system (ESATCOM) which will serve as the basis of the EAS communication network. An ESATCOM antennae is (or will be) placed at each LP1 and LP2 station, each NWS WFO, county EM and State EM locations. The ESATCOM is a secure system that requires no authentication

code. If the ESATCOM is unavailable, contact will be made via commercial telephone lines and the authentication process must be implemented. As the State Primary (SP) for Florida, the Division of Emergency Management responsibilities are to:

- a. Assist the State Communications Committee with EAS program activities.
- b. Conduct the required monthly testing of the EAS.
- c. Maintain operational capability to provide immediate response to emergency/disaster events.
- d. Maintain the ESATCOM system for immediate broadcast of EAS messages.
- e. Immediately activate the EAS upon becoming aware of an emergency/disaster event.
- f. Orient the public to the EAS program.

4. Local Primary Station 1

Local Primary 1(LP1) radio station (AM or FM) is the source of EAS Operational Area messages. An LP1 source is responsible for coordinating the broadcast of emergency messages from sources such as the NWS or local emergency management offices or SP as specified in its EAS Operational Area Plan. If the LP1 is unable to carry out this function, other sources in the Operational Area may be assigned the responsibility as indicated in State and Local Area Plans. The Local Primary Station 1 responsibilities are to:

- a. Continuously monitor a minimum of two sources (SP and local emergency management) of emergency information.
- b. Maintain an operational readiness state.
- c. Participate with the Operational Area Committee to maintain and enhance the EAS Plan.
- d. Conduct the Required Weekly and Monthly tests as outlined in CFR 47 Part 11.
- e. Orient the public to the EAS program.

5. Local Primary Station 2

Local Primary 2 (LP) is the Operational Area's second source of the EAS message with the responsibility for monitoring the LP1 station and immediately re-broadcasting the emergency messages. Just as the LP1, LP2 stations monitor the National Weather Service, local emergency management programs and, when available, the State Primary station. The Local Primary Station 2 responsibilities are to:

- a. Continuously monitor the LP 1 and, at least, one additional source of emergency information.
- b. Maintain an operational readiness state.
- c. Participate with the Operational Area Committee to maintain and enhance the EAS Plan.
- d. Conduct the Required Weekly and Month tests as outlined in CFR 47 Part 11.
- e. Orient the public to the EAS program.

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6. Local Emergency Management

It is the inherent responsibility of a local emergency management program to alert citizens to hazardous or disaster events. The EAS is the primary mechanism for immediate notification.

The Local Emergency Management Program responsibilities are to:

- a. Assist the Operational Area Committee with EAS program activities.
- b. Maintain operational capability to provide immediate response to emergency/disaster events.
- c. Upon becoming aware of an emergency/disaster event, immediately activate the EAS.
- d. Maintain an operational communications link with the Operational Area LP1 and LP2 and SP stations.
- e. Orient the public to the EAS program.

7. National Weather Service

The National Weather Service is responsible for continuously monitoring and analyzing weather systems and issuing severe weather warnings and watches. The National Weather Service coordinates with state and local emergency management offices to ensure a smooth flow of information during operational events.

The National Weather Service responsibilities are to:

- a. Assist the Operational Area Committee with EAS program activities.
- b. Maintain operational capability to provide immediate response to emergency/disaster events.
- c. Maintain an operational communications link with the Operational Area LP1 and LP2 and SP stations.
- d. Disseminate all warnings and weather emergency messages through the link for EAS activation.
- e. Orient the public to the EAS program.

8. State Relay Network

The State Relay Network is composed of State Relay sources, leased common carriers communications facilities or any other available communications facilities. The Network distributes the State EAS message originated by the Governor or designated official, and serve as the Presidential Entry Point.

9. Federal Communications Commission (FCC)

The FCC is the Federal Agency responsible for the oversight and coordination of all radio, television, and cable television broadcast within the United States. This includes the assessment and maintenance of rules and regulations governing the Emergency Alert System. The FCC, also, provides support (technical assistance) to the State Emergency Communications Committee and operational area committees.

E. Emergency Alert System Process

The EAS is activated to warn a potentially impacted populace of an impending or occurring emergency/disaster event regardless of type (weather or other natural hazard, technological hazard, or terrorism). One or more of three agencies may activate EAS, as seen in Figure 1. Conceptually, the following flow chart and steps depict the EAS process.

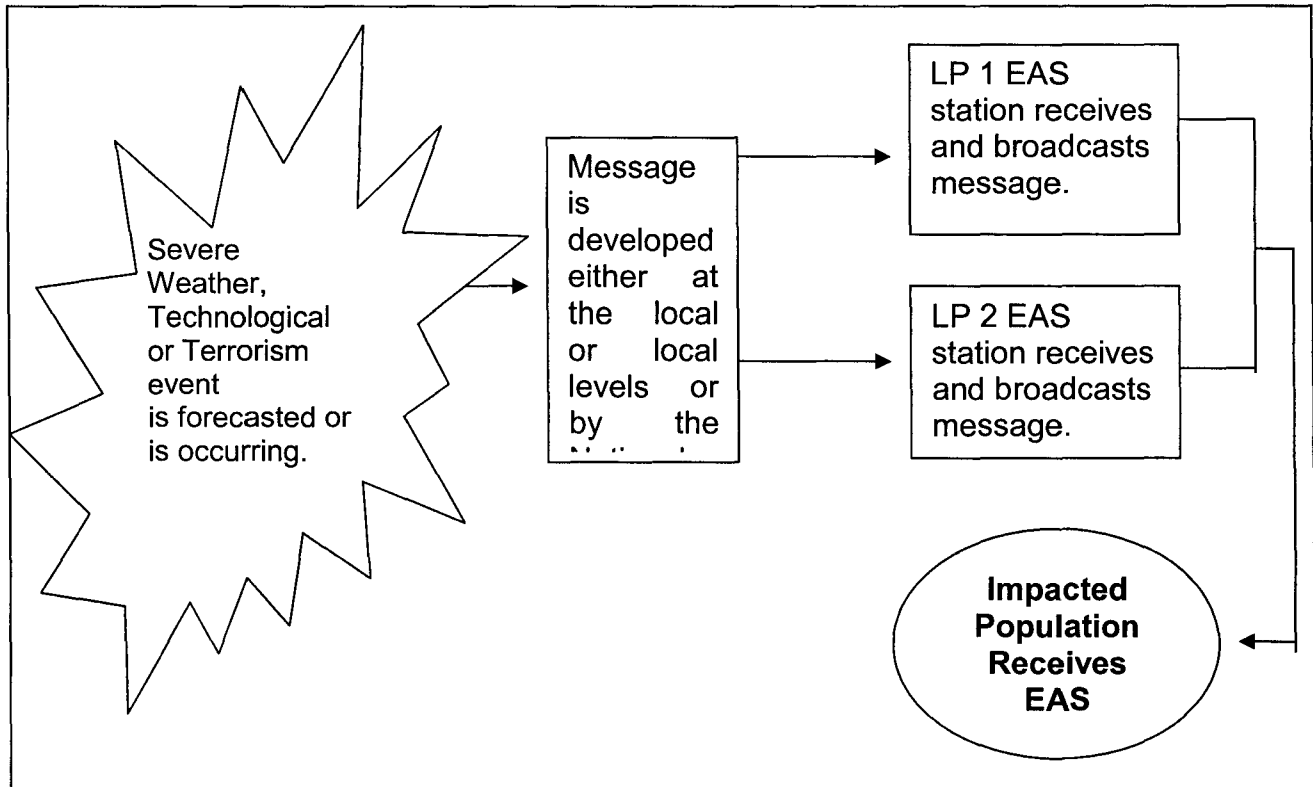


Figure 1: Emergency Alert System Process

1. An emergency or disaster event occurs or is impending which requires the immediate alerting of people in the potentially impacted area.
2. An EAS activation is initiated by the County Emergency Management Coordinator (or National Weather Service or State Division of Emergency Management). DEM may be required in some cases to assist a particular county in their activation of the EAS process.

In the event of emergencies or disasters (hazardous materials, terrorist event, tornadoes, etc.) local emergency managers have the authority and must immediately advise the population of the dangerous situation by communicating directly with the Local Primary 1 (LP1) station(s).

When a significant weather system covers a large portion of the state, more than one NWS Forecast Office may be required to activate EAS. This situation necessitates close coordination among all affected NWS Offices from the perspective of forecast continuity and EAS activation. Once determined that severe weather will impact the State, the NWS issues appropriate watches or warnings. However, it is important to note that the NWS is limited to the broadcast of only Civil Emergency EAS messages via the National Oceanic and Atmospheric Administration (NOAA) Weather Radio System.

In the instance that an emergency or disaster event (technological or terrorism) impacts Florida on a regional or statewide basis, the State Division of Emergency Management (DEM) must activate EAS to warn citizens.

3. The EAS message is transmitted to the Local Primary 1 Station by local emergency management (or NWS or SP) for immediate broadcast.
4. The EAS message is received by the LP 1 and is recorded or developed (by completing pre-scripted formats) prior to broadcast.
5. Recorded messages are re-broadcast within seconds. The manually received EAS message must be recorded then re-broadcast or announced directly to the broadcast audience. Staffed stations have the option of first receiving the message, and activating EAS at the next break (depending of the severity of the event).
6. Relay Stations receive and re-broadcast the EAS message;
7. The general public receives the EAS message.
8. The public reacts by tuning-in for additional information, as promised.
9. Follow-up emergency public information is broadcast.
10. The public takes protective action during the emergency/disaster event.

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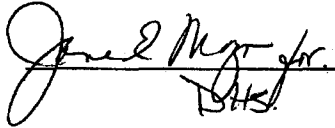
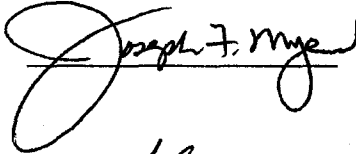

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F. Summary

In summary, the success of the State EAS is contingent upon:

- ◆ The ability of all EAS partners (radio, television, and cable broadcasters, Florida's Emergency Management community, and National Weather Service) to understand and carry-out their responsibilities;
- ◆ The State Division of Emergency Management ESATCOM system to function optimally;
- ◆ The SECC to aggressively coordinate EAS activities;
- ◆ The Area Emergency Committee orienting the public and participating in exercises;
- ◆ The public to understand and heed emergency alerting and instructions.

Approvals and Concurrences

<u>Signature</u>	<u>Date</u>	<u>Title</u>
	4-28-00	C. Patrick Roberts, Broadcast Chair, State Emergency Communications Committee
 DLS	6/14/00	David Solomon, Chief Enforcement Bureau Federal Communications Commission
	4-28-00	Joseph F. Myers, Director, Florida Department of Community Affairs Division of Emergency Management
	5-4-00	Robert Goree State Warning Meteorologist National Weather Service (Representing all Florida NWS Offices)